



MEDICAL BOARD OF CALIFORNIA
BOARD OF PODIATRIC MEDICINE
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September 26, 2003

William S. Beal, DPM
Inland Outpatient Care Centers Inc.
4217 Luther Street
Riverside, CA 92506

Dear Dr. Beal:

Thank you very much for your September 10 and 12 letters to the Board of Podiatric Medicine (BPM). At the request of the Governor's Office, the Department of Consumer Affairs has asked that we further address your concerns.

BPM has posted background and updates to clarify and resolve the problems you and others have experienced:

<http://bpm.ca.gov/intergov/index.htm>

BPM and the Board of Registered Nursing regulate the scope of practices of Doctors of Podiatric Medicine (DPMs) and Certified Registered Nurse Anesthetists (CRNAs), respectively. For many years, both Boards have indicated that CRNAs may administer general anesthesia for DPMs.

This long-standing practice has facilitated efficient health care delivery without any history of quality of care issues. Such inter-professional collaboration benefits patients especially in less urbanized communities.

The Department of Consumer Affairs Legal Office's February 20 letter to the Department of Health Services (DHS) commented:

In light of this statutory authority, there should be no question that the Board, not DHS, is the State agency responsible for issuing regulations (i.e. "policy") concerning the scope of practice of podiatrists. Moreover, this authority is not to be "shared" between the two agencies. It is *exclusively* the province of the Board. This point was underscored by the Attorney General of California. In a published opinion, he concluded that:

Given that the Legislature has defined the scope of practice of nonphysician health practitioners in the Business and Professions Code and has provided for the regulation thereof by various boards within the DCA, *we view the [Department of Health Service's]*

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Section 101.6, B&P Code***

responsibilities as excluding the regulation of an individual practitioner's scope of practice. Rather, the Department's duties would include insuring that a particular health facility has adequate equipment and licensed personnel, and is providing the specified services of its license in a satisfactory manner. (63 Ops. A.G. 143, 145 (1980) [Emphasis added]).

Please let us know if you require any additional information.

Sincerely,

James H. Rathlesberger
Executive Officer
Board of Podiatric Medicine

cc:

The Honorable Ken Calvert
The Honorable James Brulte
U. S. Department of Health and Human Services
Board of Registered Nursing
Department of Health Services
California Podiatric Medical Association